REMARKS/ARGUMENTS

The Office Action mailed November 3, 2004 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 11, 21, 31, 59, 62, 65, 68 and 75 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 22, line 8 through page 24, line 12. The text of claims 2-10, 12-20, 22-30, 32-58, 60, 61, 63, 64, 66, 67 and 69-74 is unchanged, but their meaning is changed because they depend from amended claims.

The First 35 U.S.C. § 103 Rejection

Claims 1-3, 6-8, 11-13, 16-18, 21-23, 26-28, 31-48, 51-59, 61, 62, 64, 65, 67 and 68-75 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Chao et al.[1], in further view of Ganz et al.[2], among which claims 1, 11, 21, 31, 59, 62, 65 and 68 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.[3]

[1] U.S. Patent 5,007,070
[2] U.S. Patent 6,049,549
[3] M.P.E.P § 2143.

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in AAPA except that AAPA does not teach using the set of estimated data arrival rates of the plurality of input interface queues to determine the quantity of data to be processed from each of the plurality of input interface queues each time the input interface is polled, or using the set of estimated data arrival rates of the plurality of input interface queues, to determine, for each polling state associated with a respective sampling state, the sequence in which the plurality of input interface queues should be polled each time the input interface queue is polled.[4] The Office Action further contends that Chao teaches using the set of estimated data arrival rates of the plurality of input interface queues to determine the quantity of data to be processed from each of the plurality of input interface queues each time the input interface is polled and Ganz teaches using the set of estimated data arrival rates of the plurality of input interface queues, to determine, for each polling state associated with a respective sampling state, the sequence in which the plurality of input interface queues should be polled each time the input interface queue is polled, and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate Chao and Ganz into AAPA. The Applicants respectfully disagree for the reasons set forth below.

Contrary to what is stated in the Office Action, Ganz does not teach using the set of estimated data arrival rates of the plurality of input interface queues, to determine, for each polling state associated with a respective sampling state, the sequence in which the plurality of input interface queues should be polled each time the input interface queue is polled. Ganz utilizes assigned rates for sessions to determine how often to have that session polled. As such,

[4] Office Action ¶ 7.

Ganz is concerned with the determining the frequency with which particular sessions should be polled, but not the sequence or order in which they are polled ("In general, the arbiter session polls sessions frequently enough to sustain the assigned communication rates for those sessions, but does not poll substantially more often than required to sustain the assigned rates. This polling approach avoids use of bandwidth with the overhead of unnecessary polling." Ganz, col. 4, lines 38-44).

Thus, for example, suppose there are 5 active sessions (call them sessions 1 through 5). Ganz may determine that session 3 has a lower assigned rate than the other sessions, and thus it may determine that session 3 need only be polled once every 2 polling cycles instead of every cycle. Thus, for the first cycle, only sessions 1-2 and 4-5 may be polled, whereas in the second cycle all the sessions may be polled. Ganz, however, is not concerned with the sequence or order in which the sessions are polled within each polling cycle. For example, Ganz does not care whether in the first cycle session 4 is polled before session 1. All it cares about is which sessions are actually polled during the cycle.

As such, Ganz fails to teach "determining, for each polling state associated with a respective sampling state, the sequence in which the plurality of input interface queues should be polled" as claimed in claim 1. Furthermore, claim 1 has been amended to make this distinction more clear. As such, applicant respectfully submits that claim 1 is in condition for allowance.

Independent claims 11, 21, 31, 59, 62, 65, and 68 contain elements similar to that as described above for claim 1, and thus applicant respectfully submits that these claims are also in condition for allowance.

As to dependent claims 2-3, 6-8, 12-13, 16-18, 22-23, 26-28, 32-48, 51-58, 61, 64, 67, and 69-75, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 4, 5, 9, 10, 14, 15, 19, 20, 24, 25, 29, 30, 49, 50, 60, 63 and 66 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Applicant's Admitted Prior Art in view of Chao et al. and further in view of Ganz et al., as applied to claims 1, 11, 21 and 31 above, and further in view of Hanko et al.[5]. This rejection is respectfully traversed.

As to dependent claims 4, 5, 9, 10, 14, 15, 19, 20, 24, 25, 29, 30, 49, 50, 60, 63 and 66, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

[5] U.S,. Patent 6,438,141

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: 1/31/05

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